

Serial No.: 10/757,708

## **REMARKS**

### **Status of the Claims**

Claims 1-48, 50, 52-64, 69 and 72-89 remain pending herein.

### **Election between Groups I-IV**

Election of one of Groups I-IV is required under 35 USC 121. Applicant hereby elects Group II, claims 23-26, 76-79, 86 and 87 for further prosecution on the merits. The election is respectfully made with traverse, because it is believed that a search and examination of the application can be made without serious burden since one group would necessarily identify art for the other groups. For example, each of Groups I-V is classified in class 514, subclass 44.

The Office Action notes that claims 1-18, 27-31, 34-48, 50, 52-55, 58-62 and 69 link the inventions of Groups I-V. Hence, the restriction requirement is subject to the non-allowance of the linking claims.

### **Species Elections**

For the linking claims 1-18, 27-31, 34-48, 50, 52-55, 58-62 and 69, Applicant is also required under 35 USC 121 to elect a single species from groups A to F. Applicant hereby elects as follows:

Group A, poly(lactide-co-glycolide) (claim 6).

Group B, a vector construct that encodes a polypeptide-containing antigen (claim 10), particularly a DNA vector construct (claim 12), more particularly a plasmid (claim 13), even more particularly pCMV (claim 61).

Group C, 10-20% (claim 28).

Group D, 0.5 to 2 wt% cationic surfactant (claim 30).

Group E, CpG oligonucleotide (claim 36).

Group F, CTL immune response (claim 44).

For the election of Group II, Applicant is also required under 35 USC 121 to elect a single species from groups A to C. Applicant hereby elects as follows:

Group A, immunological adjuvant (claim 23, see also claim 26).

Serial No.: 10/757,708

Group B, CpG oligonucleotide (claim 78).

Group C, immunological adjuvant adsorbed (claim 86).

### CONCLUSION

Applicant submits that this application is in condition for allowance, early notification of which is earnestly solicited. The Examiner is encouraged to contact the undersigned at (703) 433-0510 to discuss any outstanding issues in this case.

### FEES

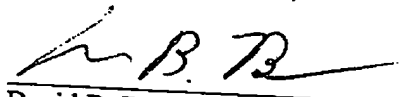
The Office is authorized to charge any fees required in connection with this application, to deposit account number 50-1047.

### CORRESPONDENCE

Please continue to direct all correspondence to:

Novartis Vaccines and Diagnostics, Inc. (formerly Chiron Corporation)  
Intellectual Property-R440  
P.O. Box 8097  
Emeryville, CA 94662-8097.

Respectfully submitted,

  
David B. Bonham  
Registration No. 34,297

Attorney for Applicant  
Mayer & Williams, PC  
251 North Avenue West, 2<sup>nd</sup> Floor  
Westfield, NJ 07090  
Tel.: 703-433-0510  
Fax: 703-433-2362

I hereby certify that this document and any document referenced herein is being sent to the United States Patent and Trademark office via Facsimile to: 571-273-8300 on  
5/10/06.

Marjorie Scariati  
(Printed Name of Person Mailing Correspondence)  
Marjorie Scariati  
(Signature)